

HE BET ON THE RACE

Information Brought to Light in a Suit For Wages.

IT WASN'T A SQUARE RACE

Judge McHatten Did Not Want to Try a Gambling Case—Lawyers Have a Lively Tilt.

BUTTE, May 12.—The case of J. A. Mooney vs. C. G. Bradshaw to recover \$100 for services rendered in taking care of a horse at the race track came up for trial in Department I. of the district court this afternoon. W. L. Leppincott appeared for the plaintiff and Thompson Campbell for the defendant.

The plaintiff testified that he came here from California last summer and was engaged by Colonel Bradshaw to care for and drive a horse in a race on Fourth of July last. The witness said that Colonel Bradshaw came to him and said that he wanted him to pull the horse and let Condee win the first heat. He did so and then Colonel Bradshaw came to him and said to pull the horse again, as he desired to have Mr. Daly's horse win the second heat. "I did not do this," continued the witness, "because I had money in the pool on the mare myself and didn't want to lose. Then, Colonel Bradshaw took me off the seat."

"If this was a gambling transaction the court will dispose of it pretty suddenly," interrupted Judge McHatten.

"Nothing has been shown that it is a gambling transaction," said Mr. Campbell.

"Didn't you drive this mare to win your own game?" asked Mr. Campbell on cross-examination.

"I was engaged to drive the mare to win," replied the witness.

Mr. Campbell—"Then you were driving in your own interest?"

Witness—"Yes, sir, and I was driving for the public to win."

Mr. Campbell—"You had money in the pool boxes, didn't you?"

Witness—"Yes, sir, and I was driving for the public to win."

Mr. Campbell—"Then you were driving this horse for a specified amount of money, but expecting to win this race so that you could get money out of the pool box?"

Witness—"Every driver, more or less, have money on the horse, I expected to win my money, certainly."

Mr. Campbell—"You were driving for that purpose?"

Witness—"I tell you I drove for the purpose of winning for the public, and not to pull the horse, as Colonel Bradshaw wanted me to. That's what Mr. Bradshaw asked me to do."

"I must say again," said Judge McHatten, "that this court is not here to entertain any gambling transaction or litigation between parties based upon a gambling transaction. At the same time, if the evidence doesn't lead to that, the court is here to adjust the rights of these parties. The question is whether or not this witness was driving this horse not under contract, but being interested in the winnings. If the evidence shows that the court will quickly grant a non-suit."

Several witnesses were called to testify that they had seen the plaintiff working the mare before the race, and to estimate the value of Mr. Mooney's services.

"If a man was employed to drive a race and drove contrary to the owner's instructions what would his services be worth?" asked Mr. Campbell of one witness.

Mr. Leppincott objected and the court sustained him. Mr. Campbell moved for a non-suit on the ground that if the action was on an implied contract for the payment of money that contract was against public policy. "The witness has testified," continued the lawyer, "that he was employed to drive this race; that he had money bet on the race and that he refused to drive in accordance with the orders of the defendant; that he was driving to win his money and not to gull the public, as he puts it."

Mr. Leppincott—"This complaint is for services rendered. If there is anything against public words here it is on the part of the defendant and not the plaintiff. The plaintiff has testified that he was engaged in the service of the defendant for the purpose of taking care of the defendant's horse, and that he performed those services. We ask the court to strike out that part of the evidence not in conformity with good morals if there is any such. It was not brought out by the plaintiff but by the defendant."

Mr. Campbell—"Every litigant must come into court with clean hands. Upon a specific or an implied contract this plaintiff has shown by his own testimony that he had such interest in the race that he absolutely refused to drive in accordance with the contract which he sets up here. If he did have an interest in the race and he drove to win he is not here with clean hands."

Mr. Leppincott—"If the court will permit me one word more—"

The Court—"No, sir; no more words. The testimony of this witness simply shows that he was to take care of the business. Now it comes out that he had money in the pool-box, and so far as the testimony of the plaintiff is concerned, it goes to show that he was under contract. The motion for a non-suit is therefore overruled."

Colonel Bradshaw in taking the stand denied that he had a contract with the plaintiff. Mooney came to him, he said, and wanted to take care of the horse and to get behind her on the race. The witness reluctantly consented to this, and after the second bout took Mooney off because he was driving the mare in a way to kill her.

The case will be continued to-morrow morning.

STARS AND STRIPES.

Peace and Harmony Lodge Presented With a Flag.

BUTTE, May 12.—Capt. Sam Reynolds this evening presented Peace and Harmony lodge of Centerville with an American flag. A. F. Bray made the presentation speech. His sentiment was that Englishmen considered the stars and stripes proud to walk under the American flag. His remarks were greeted with much applause. On motion of Treasurer W. L. Hill a vote of thanks was given the donor.

The flag was formerly the property of company A of the national guard, which disbanded about three years ago. It is of the regulation size, is made of silk and is said to be the finest flag in Montana to-day.

A Large Audience.

BUTTE, May 12.—The Nobles, Milton and Dollie, supported by an excellent company, opened at Maguire's this evening in their great play "From Sir to Son," and played to an unusually large audience. To-morrow evening "Love and Law" will be substituted.

Mrs. J. J. Crowley, Christian Scientist practitioner, at 8 West Quartz street. Hours 10 to 12 a. m., 2 to 5 p. m. Consultation free.

Two full-blooded spaniel pups for sale at the Race Track Road house.

A LECHEROUS SCOUNDREL.

A Helena Man sinks to the Level of a Procuress.

BUTTE, May 12.—For a day or two, vague rumors of a highly sensational occurrence have been quietly floating in certain circles, but so closely are the particulars guarded that all efforts to obtain the full facts have so far proved futile. A young woman of this city and a base designing villain of Helena are the principal figures in the story. Their names cannot be learned because the friends of the girl refuse to divulge hers, owing to the unpleasant notoriety it would give her, and unfortunately no one seems to know that of the scoundrel from Helena. The story as near as can be learned is about as follows: Last week a man from Helena appeared at one of the local employment bureaus for a young woman to do house work. It appears that the girl was already being referred to as employed at the same agency for a position such as the Helena man said he wished to fill. He was given the girl's address, and the next day called at the house of the relatives with whom the young lady was stopping. He made known his wants, and as the offer he made was considered advantageous, his proposition was accepted, he agreeing to pay the girl a salary of \$30 per month, and also defray the expenses of her trip to Helena. Accompanied by the girl, he left for Helena that afternoon, and it was only after he arrived there that he unmasked himself and showed himself the villain he was. He informed the young woman that it would be impossible for her to begin work immediately, owing to some changes that had been made in his household during his absence, and that several days would necessarily elapse before she could enter upon her position. In the meantime she would be expected to become an inmate of a house of ill fame, where she would have to remain long enough to earn what money it had cost him for expenses to Butte and back, and also her fare to Helena. The poor girl was horror-stricken at the full enormity of the man's baseness and fled on her, and she indignantly rejected his proposal, and although efforts were made to prevent her, she managed to escape from the scoundrel and took refuge with some friends of the relatives she had left in Butte. Her relatives are wild with indignation and are determined that the treacherous procurer who sought to ruin her life shall be punished, if not legally then in some other way.

HE SHOUTED "MURDER."

Fred Feilke Intervened by Two Bold Robbers.

BUTTE, May 12.—While Fred Feilke was counting up the proceeds of the sale of beer at his concertgarden on Utah street, opposite the Garrison house, about 1 o'clock this morning, two masked men entered the place, and pointing large and dangerous looking revolvers at him commanded him to throw up his hands while they would proceed to rake in his cash. The gardens had been closed for the night and Mr. Feilke was alone. He promptly threw up his hands and the robbers began to pocket the coin. Suddenly Mr. Feilke dropped to the floor and began to yell "murder!" "police!" at the top of his voice, then the men fired two shots at him, but luckily he was not hit. This attracted the people in the neighborhood and the robbers quickly disappeared in the darkness toward South Butte. The mirror behind the bar and considerable glassware was damaged but Mr. Feilke saved \$10.

WON'T CASH NOTES.

Portugal Is a Financial Crisis—Forced Paper Currency.

LISBON, May 12.—The Lusitane bank is the only financial institution taking full advantage of the decree issued yesterday by the government granting a delay of six days in the payment of the obligation.

The Bank of Portugal temporarily refuses to cash notes. It is rumored the government will soon issue a fresh decree authorizing the issue of a forced paper currency. The announcement now made of the suspension of payment of all obligations for 60 days does not apply to state transactions. In the midst of the alarm caused here by the financial panic a sensation was caused to-day by an explosion supposed to be the work of the republican party, which took place in the ministry of the interior. The local authorities are keeping the facts so far as possible from the general public, but it is known that the explosion was caused by a dynamite bomb and did considerable damage.

Spain's Commercial Treaties.

MADRID, May 12.—Several nations have notified Spain of their readiness to negotiate for a renewal of their commercial treaties with her. The Spanish government has replied that they must wait for the report of the royal commission which is compiling a protection tariff whereon all negotiations must be based. Spain makes known that she will insist on her colonies being excluded from any future treaties with European powers.

Surplus Increasing.

WASHINGTON, May 12.—The surplus in the treasury is gradually creeping up, and at the close of business to-day the net surplus was \$15,000,000. The treasury officials say no doubt it will increase by June 1 to an amount sufficient to meet the pension draft of \$30,000,000 without the necessity of withdrawing the government deposits from the national bank depositories.

The Decision Reserved.

BUTTE, May 12.—Arguments in the two cases of Ruth S. Leggett vs. John A. Leggett were concluded before Judge McHatten this afternoon and decision was reserved. The two cases of Ruth S. Leggett against Roderick Leggett were continued.

\$250 Reward.

A reward of \$250 will be paid to any person who will furnish the undersigned any information that will lead to the arrest and conviction of any person or persons that shall tamper or in any manner interfere with the proper working of the Gaynor fire alarm plant in the city of Butte.

JOHN B. WELCH, Attorney for the Gaynor Electric Co.

Pianos tuned and repaired by Fred Orton of Orton Bros. satisfaction guaranteed.

The Old Stage Lines grow fewer every year. By the recent extension of the Union Pacific, the old trail from Cheyenne north to Douglas and the Black Hills country is now occupied by well equipped trains. This new line makes easy access to the rich mineral lands of Wyoming. Fast trains, good service, and low rates.

Learn shorthand. American standard system taught. Writing terms. W. J. Johnson, 519 Wyoming street, Butte, Mont.

Pianos and organs sold on easy terms at Orton Bros.

JUDGE DAVIS' HEIRS

Latest Phases of the Celebrated Will Case.

A NEW TRIAL ASKED FOR

Maria Cummings Wants Henry A. Root Appointed Administrator of the Estate—An Inventory Filed.

BUTTE, May 12.—Maria Cummings filed a notice of motion for a new trial upon her petition for the appointment of Henry A. Root as administrator of the estate of the late A. J. Davis upon his original application for such appointment. The motion is upon the following grounds: First, insufficiency of the evidence to justify the verdict, decision and order of the court, and that the same is against law; second, error in law occurring at the trial and excepted so by the party making the application. The proponents are further notified that the motion will be based upon a statement of the case.

G. W. Stapleton to-day filed an affidavit praying the court to direct Commissioner John R. Wallace and the attorneys for the applicant, John A. Davis, to return forthwith to the clerk of the court, in accordance with law, the deposition of J. E. Seonice. The commission was issued on February 21 last. Both parties reside at Bloomfield, Ia. Mr. Stapleton alleges that the depositions were taken and have never been returned to the clerk, and that John R. Wallace, in violation of his duties as commissioner, still withholds the same, acting under the instructions and advice of the attorneys for John A. Davis.

Henry A. Root and Maria Cummings also ask the court for an order directing John R. Wallace to return the deposition of J. E. Seonice. Their motion is based on the affidavit of Mr. Stapleton and the records of the court.

An inventory of the Davis estate in this county has been filed by the appraisers. The total value of the property located here is stated to be \$10,000. The inventory includes \$856,235.24 on deposit with the First National bank of Butte. The appraisers quote as being no good 8,000 shares of the Bell Silver and Copper Mining company, 9,800 shares of the Silver Bow Mining and Milling company, and 210,131 shares of the Stevens' Gold and Silver company. The list shows that 40 shares of the capital stock of the First National bank of Butte owned by the estate are held in 10 shares lots by John F. Felt, James A. Talbot, S. T. Hausman, Hiram K. Roper, and Alexander Brown of Keosauqua, Iowa, has been given commissions to take the depositions of B. A. McLellan, Mathew Cresswell and Mrs. E. B. Brownfield of that place. C. F. Davis has been given commissions to take the depositions of the following persons in his city, Bloomfield, Iowa: P. A. Noel, W. C. Rodgers, J. N. Downes, W. H. Davis, W. C. Parker, John Hanes, S. B. Cassell, Jacob Baker, Moses Poley, Jacob Laslay and E. Wright.

AT THE HOTELS.

Leaves From the Registers of the Various Hostleries.

BUTTE, May 12.—Arrivals at the hotels to-day were as follows:

At the McDermott—H. L. Green, Helena; Carl Rein, Anaconda; Milton Nobles and wife, Brooklyn, N. Y.; A. H. Brown, Anaconda; A. Gordon, Chicago; Isaac Sessau, Buffalo, N. Y.; R. K. Lewis, New York; John Ferry, Santa Barbara, Cal.; J. W. Young, Helena; F. Plummer, Elkhorn; L. B. Bunnell, Helena; Mrs. L. Foshier, Helena; E. A. Bennett, Denver; Sam Thomas, W. Fisher, Helena; G. W. Sacker, Chicago; G. R. Atkinson, Minneapolis; Frank Durand and wife, Granite; J. C. Callahan, Roseman, Albert Leitch, New York; John Ferry, Santa Barbara, Cal.; J. W. Young, Helena; F. Plummer, Elkhorn; L. B. Bunnell, Helena; Mrs. L. Foshier, Helena; E. A. Bennett, Denver; Sam Thomas, W. Fisher, Helena; G. W. Sacker, Chicago; G. R. Atkinson, Minneapolis; Frank Durand and wife, Granite; J. C. Callahan, Roseman; Albert Leitch, New York; John Ferry, Santa Barbara, Cal.; J. W. Young, Helena; F. Plummer, Elkhorn; L. B. Bunnell, Helena; Mrs. L. Foshier, Helena; E. A. Bennett, Denver; Sam Thomas, W. Fisher, Helena; G. 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